

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED
August 30, 2005

FILED
ASHEVILLE, N. C.

SEP - 1 2005

No. 05-7231
CA-04-180-1

U.S. DISTRICT COURT
W. DIST. OF N. C.

ALEX DAVE ALEXANDER

Plaintiff - Appellant

v.

TERENA RICE, Sergeant; ANDRE HUSKINS, Lieutenant at McDowell
County Jail; DEPUTY SHERIFF DUNCAN, at McDowell County Jail

Defendants - Appellees

and

DEPUTY SHERIFF CAMPBELL, at McDowell County Jail

Defendant

O R D E R

Alex Dave Alexander, #0002894, has applied to proceed without prepayment of fees and given written consent to the collection in installments of the \$255.00 filing fee, as well as any other fees, costs, or sanctions imposed by this Court, from appellant's trust account, in accordance with the terms of the Prison Litigation Reform Act, as set forth below. The Court grants appellant leave to proceed on appeal without full prepayment of fees on the terms imposed by the Prison Litigation Reform Act.

Pursuant to the terms of the consent form signed by appellant,

the Court directs that an initial partial fee of 20 percent of the greater of the average monthly deposits or average monthly balance for the six-month period immediately preceding the filing of the notice of appeal on 8/3/05, be paid from appellant's trust account. In accordance with the Act and the consent form executed by appellant, appellant's custodian shall withhold on a continuing basis each month 20 percent of the deposits made into appellant's trust account as the deposits are made, provided that such withholding does not cause the unencumbered balance to fall below \$10. At the end of each monthly withholding period, appellant's custodian shall pay the total amount withheld that month to the Clerk, U.S. District Court, so long as the amount then in the prisoner's trust account exceeds \$10. If the total funds in the prisoner's trust account do not exceed \$10, the amount withheld shall be accumulated and paid to the Clerk with the amount withheld during the next month. Such monthly payments shall be withheld and paid to the Clerk, U.S. District Court until the filing fee has been paid in full. Appellant's custodian shall provide to the Court of Appeals, as requested by the Court, periodic information concerning appellant's trust account to verify the payment of the amounts required by this order.

* All payments shall include:

Appeal No. 5-7231

Civil Action No. CA-04-180-1

* All payments shall be mailed to:

Clerk
U. S. District Court
309 United States Courthouse
Veatch-Baley Federal Complex
100 Otis Street

Asheville, NC 28801-2611

In the event appellant is transferred to another institution, the balance due shall be collected and paid to the Clerk by the custodian at appellant's next institution. Appellant's custodian shall notify the Clerk, U.S. District Court, in the event appellant is released from custody.

This order is subject to rescission or revision at any time should the Court determine that appellant has had three prior cases dismissed as frivolous, malicious, or for failure to state a claim and appellant is not under imminent danger of serious physical injury. If additional fees, costs, or sanctions are imposed on appeal, the Court will notify appellant's custodian of the additional amounts to be collected from appellant's trust account.

A copy of this order shall be sent to appellant's custodian, the Clerk, U.S. District Court, and all parties.

For the Court - By Direction

/s/ Patricia S. Connor

CLERK